

REMARKS

This amendment is being filed in response to the Office Action mailed August 23, 2004 in which the Examiner rejected the claims in the subject patent application on the Whelan reference in view of the Anderson, Chang, Fleischer, and Lutz references under 35 U.S.C. 103. Reconsideration is respectfully requested.

First, applicant's claimed invention comprises a golf tee with a layer of a very low surface friction material such as polytetrafluoroethylene covering the ball support surface. Applicant's invention, now the subject of this continuation application, has been searched several times by the Patent Office and nothing similar has been found. The Office has totally failed to find any prior art where the surface of the tee has a layer of low friction material applied thereto and this clearly demonstrates that applicant's invention is not only novel but non-obvious. If it were obvious, it would clearly have been the subject of a patent and would have been discovered before applicant's invention. However, applicant has satisfied a long-felt need to increase the distance a golf ball can be driven and has provided a unique golf tee that will provide for longer drives.

Second, one reason that applicant's invention is not obvious is that the focus on increasing the distance a ball can be driven was heretofore principally on ball construction or on club construction. Applicant has taken the unexpected and surprising step of reducing the friction on the ball support surface. No one has appreciated the significance of doing this.

Third, applicant submits that his invention should be patented even though from hindsight it may appear to be quite simple. In fact, many of the most useful inventions that have been made are those which do simple things which no one had ever done before. This is truly the heart and soul of the patent system to provide inventions that are useful because they are less complex than similar devices in the prior art. This is a compelling reason why applicant's claims for his invention should be allowed.

Turning now to the cited references, they, too, demonstrate that there is a long felt need for applicant's invention and that it is not obvious because each of the inventions deals with improvements in golf performance but none shows applicant's invention. The first or basic reference which the Examiner uses is the Whelan et al. patent in which grass seed in a binder is molded into the form of a golf tee and coated with polyurethane. The polyurethane has only the purpose of encapsulating the grass seed. Whelan states in column 2 at lines 43-45 "that other appropriate materials such as varnish, hard rubber, plastics, wax, fiberglass or the like can be used for coating." Whelan also states that the coating materials ought to be sufficiently thin or breakable so that they would not jam or injure lawn mower blades.

Now, keeping in mind the teachings of Whelan it does not follow that combining the teachings of any of the other cited references would bring one skilled in the art to applicant's invention. Specifically, the Anderson patent essentially puts a small depth gauge on the shaft of the tee so that the golfer can insert the tee in the ground at the same depth and keep his swing uniform. There is no connection here to a low friction ball surface.

The Chang patent is directed to putting a low friction material which is for the purpose of reducing the spin of a golf ball hit by the average golfer so that it will not hook or slice. This is quite different from applicant's invention where applicant is concerned with reducing any drag or friction force on the ball as it leaves the tee so that a greater distance may be achieved. By contrast, Chang is only interested in keeping the ball straight, not in distance. Furthermore, that anything in Chang or Whelan would be connected one with the other is just not plausible.

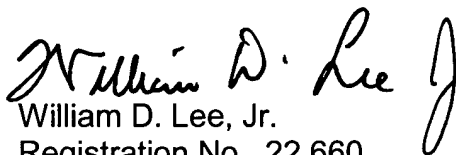
In the Fleischer patent as in the Chang patent the emphasis is on keeping the driven ball straight. A strip is wrapped around the ball on the tee and the strip supposedly reduces the magnitude of lateral components of force transferred to the ball by the club striking the surface at an angle. The purpose again is to eliminate a slice or hook. There is no motivation nor suggestion to combine Fleischer with Whelan.

In the Lutz patent a ball cover may include some fluorinated polyurethane. The polyurethane coating is used for a protective coating and any reduction in surface friction is that the slicker surface has the advantage of keeping the ball surface cleaner. Lutz disperses or blends fluorinated polymer in the polyurethane cover. However, such a use by Lutz would not direct one skilled in the art to make a layer of friction-reducing material and place it on the ball support surface of a tee as applicant has done. Applicant molds his layer of polytetrafluoroethylene so that it covers the ball support surface and reduces drag when a ball is struck.

In summary, applicant would again like to point out that his invention is novel as there is no golf tee in the prior art having a layer of low-friction material forming the ball

support surface. The Whelan patent is a coating of the entire top and shaft surfaces of a tee to give it structural integrity and not a low friction ball support surface. Likewise, none of the other references which use low friction materials use them for the purpose of reducing the friction and drag of a ball as it leaves a tee. The other references are directed towards reducing hook or slice of a ball and reduce the spin imparted by the club itself. None of these have nor suggest the inclusion of a low friction surface on the tee. Applicant's tee satisfies a need that all golfers have to increase the distance of their drives. The fact that such has not been done before clearly demonstrates that it is not an obvious thing to do. Accordingly, applicant respectfully requests withdrawal of the rejection of his claims and a favorable action is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William D. Lee, Jr.", with a stylized flourish at the end.

William D. Lee, Jr.
Registration No. 22,660
McNAIR LAW FIRM, P.A.
P.O. Box 10827
Greenville, SC 29603-0827
Telephone: (864) 232-4261
Attorney for the Applicant